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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 KERRY ALLEN,) CASE NO. C09-0424-TSZ
09 Plaintiff,)
10 v.) REPORT AND RECOMMENDATION
11 RICHARD PENNINGTON,)
12 Defendant.)
13 _____)

14 On March 31, 2009, plaintiff submitted to the Court for filing a civil rights complaint
15 under 42 U.S.C. § 1983 together with an application to proceed with this action *in forma*
16 *pauperis*. On April 6, 2009, the Clerk of Court sent plaintiff a letter advising him that his
17 submissions were deficient in a number of respects and that his case would be subject to
18 dismissal if the deficiencies were not corrected within thirty days. Among the deficiencies
19 noted was that plaintiff's complaint was incomplete as it was missing page two. The Clerk
20 provided plaintiff with a new complaint form and instructed that it be filled out and returned
21 along with other requested documents.

22 On May 4, 2009, the Court received a number of additional documents from plaintiff,

01 including another complaint. Again, however, the complaint submitted by plaintiff was
02 incomplete. Thus, on May 15, 2009, this Court issued an order directing plaintiff to submit an
03 amended complaint to the Court, using the Court's authorized forms, within thirty days. On
04 May 21, 2009, the copy of the order directing plaintiff to complete the authorized complaint
05 form, which was mailed to plaintiff at his address of record, the King County Correctional
06 Facility, was returned by the post office with a notation indicating that plaintiff was no longer in
07 jail. To date, plaintiff has not provided the court with a new address.

08 Because over sixty days have passed since mail directed to plaintiff at his address of
09 record was returned by the post office, and because plaintiff has not notified the court of his
10 current address, this action should be DISMISSED, without prejudice, for failure to prosecute
11 pursuant to Local Rule CR 41(b)(2). A proposed order accompanies this Report and
12 Recommendation.

13 DATED this 13th day of August, 2009.

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15 Mary Alice Theiler
16 United States Magistrate Judge
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